

Article 5: Subdivision Procedures

Division 10: Easement Abandonments

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§125.1001 Purpose of Easement Abandonment Procedures

The purpose of these procedures is to establish the process to abandon *public service easement* and other easements granted to the public or the City of San Diego and to supplement the provisions of California Streets and Highways Code Sections 8300 through 8363.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§125.1010 When an Easement Abandonment May Be Initiated

- (a) The abandonment of a *public service easement* or other easement may be initiated by resolution of the City Council or by petition or request by any person who has a property interest in the abandonment.
- (b) A *public service easement* or other easement may also be abandoned by filing a *tentative map* and a *parcel map* or final map pursuant to the *Subdivision Map Act*, Section 66499.20 1/2, and in accordance with the provisions of this article.
- (c) A *public service easement* or other easement may be summarily abandoned if it does not contain *public utility* facilities or does not contain active *public utility* facilities that would be affected by the abandonment and if any one of the following applies:
 - (1) The easement has not been used for the purpose for which it was dedicated or acquired for 5 consecutive years immediately proceeding the proposed abandonment;
 - (2) The date of *dedication* or acquisition is less than 5 years and more than 1 year immediately proceeding the proposed abandonment, and the easement has not been used continuously since the date of *dedication*; or

- (3) The easement has been superseded by relocation and there are no other public facilities located within the easement.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§125.1020 How to Apply for an Easement Abandonment

An application for abandonment of a *public service easement* or other easement shall be filed in accordance with Section 112.0102.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§125.1030 Decision Process for an Easement Abandonment

A decision on an application to abandon a *public service easement* or other easement shall be made in accordance with Process Five, with the following exceptions to Process Five procedures.

- (a) The Notice of Public Hearing required by Section 112.0301(c) shall be distributed 14 calendar days before the date of the public hearing, in accordance with California Streets and Highways Code Section 8322. The Notice of Public Hearing shall be posted in accordance with California Streets and Highways Code Section 8323.
- (b) Before a City Council hearing to abandon a *public service easement* or other easement, the City Council shall approve a Resolution of Intention that specifies the time and place of the hearing in accordance with California Streets and Highways Code Section 8320.
- (c) A summary abandonment of a *public service easement* or other easement pursuant to Section 125.1010(c) does not require a Resolution of Intention as specified in Section 125.1030(b) or a recommendation by the Planning Commission.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§125.1040 Findings for a Public Service Easement Abandonment

A *public service easement* or other easement may be abandoned only if the decision maker makes the following *findings*:

- (a) There is no present or prospective public use for the easement, either for the facility or purpose for which it was originally acquired or for any other public use of a like nature that can be anticipated;

- (b) The public will benefit from the action through improved utilization of the land made available by the abandonment;
- (c) The abandonment is consistent with any applicable *land use plan*; and
- (d) The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the abandonment or the purpose for which the easement was acquired no longer exists.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§125.1050 Recording of Easement Abandonments

If the abandonment is approved, the City shall provide the resolution and any accompanying documents to the County Recorder for recordation. If the resolution contains conditions, it shall not be provided to the County Recorder for recordation until the City Engineer has determined that all conditions have been met. The filing for record of a *subdivision map* pursuant to the *Subdivision Map Act*, Section 66499.20 1/2, shall have the same effect as filing a resolution of abandonment.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)